

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Staff Sergeant PATRICIA J. MARKS  
United States Air Force**

**ACM 35573**

**30 March 2005**

Sentence adjudged 14 March 2003 by GCM convened at Seymour Johnson Air Force Base, North Carolina. Military Judge: Sharon A. Shaffer.

Approved sentence: Bad-conduct discharge, confinement for 179 days, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Jennifer K. Martwick, and Captain David P. Bennett.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major Heather L. Mazzeno.

Before

PRATT, ORR, and MOODY  
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignments of error, and the government's reply thereto. The appellant raises two issues for our consideration. First, she claims the commander of Ninth Air Force (Provisional) was not authorized to convene general courts-martial, and thus had no authority to try the appellant and to take action on this case. We disagree, and hold that the Secretary of the Air Force did not divest the commander of Ninth Air Force (Provisional) of authority to convene general courts-martial. *See United States v. Hardy*, 60 M.J. 620 (A.F. Ct. Crim. App. 2004), *pet. denied*, No. 04-0790/AF (12 Jan 2005).

Second, the appellant asserts that her sentence is inappropriately severe.<sup>1</sup> Article 66(c), UCMJ, 10 U.S.C. § 866(c). Having considered this particular appellant and her record of service, the nature and seriousness of the offenses she committed, and all matters contained in the record of trial, we disagree and affirm. *United States v. Healy*, 26 M.J. 394 (C.M.A. 1988); *United States v. Snelling*, 14 M.J. 267 (C.M.A. 1982).

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ; *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court

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<sup>1</sup> This issue is raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).